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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 SKY D. SHADOW, on behalf of herself) Case No.: 15-cv-9219
13 and all other similarly situated)
14 consumers,)
15 Plaintiff,) CLASS ACTION COMPLAINT
16 vs.)
17 GLOBAL CREDIT & COLLECTIONS)
18 CORP.,)
19 Defendant.)

20 Plaintiff, Sky Shadow, on behalf of herself (hereinafter "Plaintiff"), and all
21 other similarly situated consumers, by and through undersigned counsel, hereby
22 alleges against Defendant, Global Credit & Collection Corp. (hereinafter
23 "Defendant"), as follows:

24 ///

25 ///

COMPLAINT AND DEMAND FOR JURY TRIAL

1 **PRELIMINARY STATEMENT**

2 1. This is an action for damages arising from Defendant's violations of
3 the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter
4 "FDCPA").
5

6 **JURISDICTION AND VENUE**

7 2. This Court has jurisdiction over this action pursuant to 28 U.S.C.
8 §1331 and 15 U.S.C. §1692k (d).
9

10 3. Venue is proper in this district under 28 U.S.C §1391(b).
11

12 **PARTIES**

13 4. Plaintiff is a natural person, who at all relevant times has resided in
14 Littlerock, California, 93543, Los Angeles County and is a "consumer" as the
15 phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA.

16 5. Defendant is a corporation doing business in the State of Colorado,
17 with its corporate address as 5440 N Cumberland Avenue, Suite 300, Chicago, IL
18 60656-1490, and is "debt collector" as the phrase is defined and applied under 15
19 U.S.C. §1692(a) of the FDCPA in that they regularly attempt to collect on debts
20 primarily incurred for personal, family or household purposes.
21

22 **FACTUAL STATEMENT**

23 6. On or about March 10, 2015, Defendant sent Plaintiff the letter
24 attached as Exhibit A.
25

1 7. Exhibit A sought to collect a purported credit card debt incurred for
2 personal, family or household purposes and not for business purposes.

3 8. If the debt is owed at all, it was incurred prior to March 10, 2011.

4 9. Defendant regularly seeks to collect credit card bills.

5 10. The statute of limitations on a credit card debt in California is four (4)
6 years.
7

8 11. Defendant regularly attempts to collect debts on which the statute of
9 limitations has expired.
10

11 12. Nothing in Exhibit A disclosed that the debts were barred by the
12 statute of limitations.

13 13. The Federal Trade Commission has determined that “Most consumers
14 do not know their legal rights with respect to collection of old debts past the statute
15 of limitations When a collector tells a consumer that she owes money and
16 demands payment, it may create the misleading impression that the collector can
17 sue the consumer in court to collect that debt.”
18

19 (<http://www.ftc.gov/opa/2012/01/asset.shtm>)
20

21 14. The FTC entered into a consent decree with Asset Acceptance, one of
22 the largest debt buyers in the United States, requiring that it disclose to consumers
23 when it is attempting to collect debts that are barred by the statute of limitations.
24
25

1 *United States of America (For the Federal Trade Commission) v. Asset*
2 *Acceptance, LLC*, Case No. 8:12-cv-182-T-27EAJ (M.D.Fla.).

3 **CLASS ACTION ALLEGATIONS**

4 **The Class**

5
6 15. Plaintiff brings this as a class action pursuant to Rule 23 of the
7 Federal Rules of Civil Procedure (“FRCP”) on behalf of herself and all others
8 similarly situated who have received similar debt collection letters from Defendant
9 which, as alleged herein, are in violation of the FDCPA, as of the date of Plaintiff’s
10 Complaint (“Class”).
11

12 16. Excluded from the Class is Defendant herein, and any person, firm,
13 trust, corporation or other entity related to or affiliated with Defendant, including,
14 without limitation, persons who are officers, directors, employees, associates or
15 partners of Defendant.
16

17 **Numerosity**

18 17. Upon information and belief, Defendant has sent dunning letters to
19 hundreds if not thousands of consumers throughout the United States, each of
20 which fails to contain language required by the FDCPA. The members of the
21 Class, therefore, are believed to be so numerous that joinder of all members is
22 impracticable.
23
24
25

1 18. Dunning letters sent from Defendant, received by the Class, are to be
2 evaluated by the objective standard of the hypothetical “least sophisticated
3 consumer.”

4 19. The exact number and identities of the members of the Class are
5 unknown at this time and can only be ascertained through discovery. Identification
6 of the members of the Class is a matter capable of ministerial determination from
7 Defendant’s records.
8

9
10 **Common Questions of Law and Fact**

11 20. There are questions of law and fact common to the class that
12 predominate over any questions affecting only individual Class members. These
13 common questions of law and fact include, without limitation: (i) whether
14 Defendant violated various provisions of the FDCPA; (ii) whether Plaintiff and the
15 Class have been injured by Defendant’s conduct; (iii) whether Plaintiff and the
16 Class have sustained damages and are entitled to restitution as a result of
17 Defendant’s wrongdoing and, if so, what is the proper measure and appropriate
18 statutory formula to be applied in determining such damages and restitution; and
19 (iv) whether Plaintiff and the Class are entitled to declaratory and/or injunctive
20 relief.
21
22

23 **Typicality**
24
25

1 21. Plaintiff's claims are typical of the claims of the members of the
2 Class, and Plaintiff has no interests adverse or antagonistic to the interests of other
3 members of the Class.

4 **Protecting the Interests of the Class Members**

5 22. Plaintiff will fairly and adequately represent the Class members'
6 interests in that Plaintiff's counsel is experienced and, further, anticipates no
7 impediments in the pursuit and maintenance of the Class Action as sought herein.
8

9 **Proceeding Via Class Action is Superior and Advisable**

10 23. A class action is superior to other methods for the fair and efficient
11 adjudication of the claims herein asserted, this being specifically envisioned by
12 Congress as a principal means of enforcing the FDCPA, as codified by 15
13 U.S.C. §1692(k).
14

15 24. The members of the Class are generally unsophisticated individuals,
16 whose rights will not be vindicated in the absence of a Class Action.
17

18 25. Prosecution of separate actions by individual members of the Class
19 would create the risk of inconsistent or varying adjudications resulting in the
20 establishment of inconsistent or varying standards for the parties.
21

22 26. A Class Action will permit a large number of similarly situated
23 persons to prosecute their common claims in a single forum simultaneously,
24 efficiently, and without the duplication of effort and expense that numerous
25

1 individual actions would engender. Class treatment also will permit the
2 adjudication of relatively small claims by many Class members who could not
3 otherwise afford to seek legal redress for the wrongs complained of herein.

4 27. Absent a Class Action, the members of the Class will continue to
5 suffer losses borne from Defendant's breaches of Class members' statutorily
6 protected rights as well as monetary damages, thus allowing and enabling: (a)
7 Defendant's conduct to proceed and; (b) Defendant to further enjoy the benefit of
8 its ill-gotten gains.
9

10 28. Defendant has acted, and will act, on grounds generally applicable to
11 the entire Class, thereby making appropriate a final injunctive relief or
12 corresponding declaratory relief with respect to the Class as a whole.
13

14
15 **COUNT I**
16 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
17 **15 U.S.C. §1692 et seq**

18 29. Plaintiff repeats the allegations contained in the above paragraphs and
19 incorporates them as if specifically set forth at length herein.

20 30. Defendant engaged in unfair and deceptive acts and practices, in
21 violation of 15 U.S.C. §§1692e, 1692e(2), 1692e(5), 1692e(10), and 1692f, by
22 dunning consumers on timebarred debts without disclosure of that fact.

23 31. Section 1692e provides:

24 § 1692e. False or misleading representations [Section 807 of P.L.]
25

1 **A debt collector may not use any false, deceptive, or misleading**
2 **representation or means in connection with the collection of any debt.**
3 **Without limiting the general application of the foregoing, the following**
4 **conduct is a violation of this section: . . .**

5 **(2) The false representation of—**

6 **(A) the character, amount, or legal status of any debt; . . .**

7 **(5) The threat to take any action that cannot legally be taken or**
8 **that is not intended to be taken. . . .**

9 **(10) The use of any false representation or deceptive means to**
10 **collect or attempt to collect any debt or to obtain information**
11 **concerning a consumer...**

12 32. Section 1692f provides:

13 **§ 1692f. Unfair practices [Section 808 of P.L.]**

14 **A debt collector may not use unfair or unconscionable means to**
15 **collect or attempt to collect any debt. . . .**

16 WHEREFORE, Plaintiff, Sky Shadow, respectfully requests that this Court
17 do the following for the benefit of Plaintiff:

- 18 a. Enter a judgment against Defendant for actual damages, pursuant to
19 15 U.S.C. § 1692k(a)(1);
- 20 b. Enter judgment against Defendant for statutory damages, 15 U.S.C. §
21 1692k(a)(2)(A) and (B), in the amount of \$1,000.00;
- 22 c. Award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. §
23 1692k(a)3;
- 24 d. Grant such other and further relief as may be just and proper.
- 25

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

Dated: November 30, 2015

/s/ Kerry Doyle, Esq. _____
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